

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

WILLIAM RYANN MARTIN, #08480-078 §

VS. § CIVIL ACTION NO. 5:12cv85

MIKE ROSTOLLAN §

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Plaintiff William Ryann Martin, an inmate confined at F.C.I. Texarkana, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation finding that Martin's motion for leave to proceed *in forma pauperis* should be denied. Martin has filed objections.

The rules governing *in forma pauperis* proceedings are contained in 28 U.S.C. § 1915. Under the formula mandated by Congress, Martin should be charged an initial partial filing fee of \$1,533.48, which far exceeds the filing fee of \$350. Magistrate Judge Craven appropriately concluded that he should pay the filing fee of \$350 and that the motion for leave to proceed *in forma pauperis* should be denied. In his objections, Martin asserted that his six month average daily balance of \$7,667.42 was the product of frugal spending. Moreover, he is only paid \$96 per month in conjunction with his employment at F.C.I. Texarkana. Nonetheless, in light of the formula mandated by Congress, Martin has the ability to pay the filing fee and his motion for leave to proceed *in forma pauperis* should be denied.

The Report of Magistrate Judge Craven, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Martin to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Martin's objections lack merit. It is accordingly

ORDERED the Report and Recommendation (docket entry #4) is **ADOPTED**. It is further

ORDERED that Martin's motion for leave to proceed *in forma pauperis* (docket entry #2) is **DENIED**. It is further

ORDERED that the deadline for Martin to pay the filing fee of \$350 is October 12, 2012. Martin is placed on notice that the lawsuit may be dismissed if he fails to timely pay the filing fee.

It is SO ORDERED.

SIGNED this 13th day of September, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE